

REMARKS/ARGUMENTS

This letter is responsive to the Office Action dated February 27, 2004.

Prior to this amendment, the application contained 17 claims in total, including 3 independent claims. With this amendment, the application contains 20 claims in total, including 8 independent claims. Accordingly, the applicant has included the required fee of (8-3) x \$43 = \$215 for the additional independent claims.

In the Office Action, the Examiner has allowed claims 12-16. The applicant acknowledges and appreciates the allowance of these claims. The applicant has made minor amendments to claims 13, 14 and 16 and respectfully requests that the Examiner maintain his allowance of these claims.

In the Office Action, the Examiner stated that claims 4, 5, 10 and 11 would be allowable if re-written in independent form. The applicant has amended these claims to rewrite them in independent form, with the following changes.

Claim 10 originally depended from either of claims 7 or 8, each of which depended from claim 1. The currently amended claim 10 includes all of the limitations of claims 1 and 10 as they stood immediately prior to this amendment.

Claim 11 originally depended from any of claims 1 to 8. The currently amended claim 11 includes all of the limitations of claims 1 and 11 as they stood immediately prior to this amendment.

The applicant respectfully submits that claims 4, 5, 10 and 11 are patentable as amended.

In the Office Action, the Examiner rejected claims 1-3, 7-9 and 17 under 35 U.S.C. 102(b) as being anticipated by at least one of Okano and Ewer et al. The Examiner stated that both Okano and Ewer et al teach a multifocal ophthalmic lens having a first portion with constant focal properties, a second portion with downwardly progressive focal properties and two regions on either side of the second portion that have substantially constant focal properties.

The applicant respectfully submits that Okano and Ewer et al both teach only lens configurations having a discontinuity on the front surface of the lens between the progressive/near-viewing portions of the lens and the rest of the lens. Such a discontinuity is both visually undesirable and can be distracting to the wearer.

Other lenses, such as those of Ueno et al., which was cited by the Examiner in the previous office action, attempt to provide reduced distortion while eliminating discontinuities by providing a gradual change in focal length throughout the critical regions between the progressive/near-viewing portions and the distance-viewing

portion. However, this introduces focal properties that vary across the critical regions, and accordingly necessarily introduces some distortion into the critical regions.

Claim 1 defines a multifocal ophthalmic lens that has a first portion for distance viewing and a second portion having focal properties that vary progressively in a downward direction. As amended, claim 1 specifies that the front surface of the lens transitions smoothly between the distance-viewing portion, the progressive portion and the critical regions, thereby eliminating discontinuities on the front lens surface. Claim 1 also specifies that the critical regions on either side of the progressive region have substantially constant focal properties throughout. As a result, the lens of claim 1 provides reduced distortion in the critical regions, while simultaneously having no discontinuities on its front surface between the various regions and portions. The applicant submits that claim 1 is neither anticipated nor obvious in view of Okano and Ewer et al, either singly or in combination.

The applicant repeats and relies on the arguments made above in respect of claim 1, for claims 2, 3, 7-9 and 17.

In the Office Action, the Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being obvious in view of either of Okano or Ewer et al. Claim 6 depends from currently amended claim 1. The applicant repeats and relies on the arguments made above in respect of claim 1, for claim 6.

Additionally, claim 6 has been re-written in independent form as new claim 20. Claim 20 includes all the features of claims 1 and 6 immediately prior to this amendment. Accordingly, claim 20 includes the feature that at least one of the two critical regions has an infinite focal length. Claim 20 also includes the feature that the distance-viewing portion of the lens has a finite focal length.

In his rejection of claim 6, the Examiner stated that providing a particular power to any portion or region of the lens is merely a function of the prescriptive requirements of the wearer. The applicant respectfully traverses this rejection. The focal length of at least one of the two critical regions is selected to be infinity to assist in avoiding optical distortion in said at least one region, instead of being selected based on the prescriptive requirements of the wearer. This is highlighted by the distinction in the claim that the distance-viewing portion has a finite focal length, which differs from the infinite focal length in at least one critical region. The applicant submits that the use of an infinite focal length in at least one critical region while having a distance viewing portion of finite focal length as claimed in claim 20 is not obvious in view of Okano and Ewer et al.

The applicant has introduced new claims 18 and 19. Claim 18 is analogous to claim 12, but claims a method of making a multifocal lens using three pieces, instead of two pieces. An exemplary three-piece embodiment of the invention is shown in Figure 5. New claim 19 depends from claim 18 and adds the feature that the lens of claim 18 is used to make a mold from which one-piece integral lenses are made.

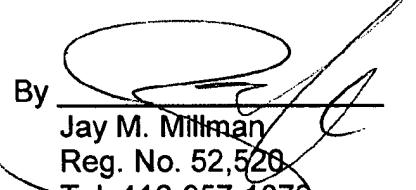
Appl. No. 10/059,141
Amdt. Dated May 27, 2004
Reply to Office action of February 27, 2004

The applicant submits that the application is now in condition for allowance, and early allowance and approval are respectfully requested.

If the Examiner has any concerns, he is invited to contact the undersigned at 416-957-1679. The applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BERESKIN & PARR

By 
Jay M. Millman
Reg. No. 52,520
Tel: 416-957-1679